

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Nopphadon Ninsawat

Case No. Case: 2:22-mj-30493
Judge: Unassigned,
Filed: 11-10-2022 At 10:24 AM

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 4, 2022 through June 23, 2022 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

18 USC § 2251(a)
18 USC § 2252A(a)(2)
18 USC § 1470

Offense Description

Production of child pornography
Receipt of child pornography
Transfer of obscene material to a minor

This criminal complaint is based on these facts:
see attached affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: November 10, 2022

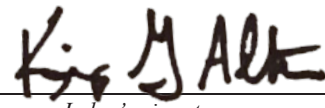
City and state: Detroit, Michigan



Complainant's signature

David M. Alley, Special Agent (HSI)

Printed name and title



Judge's signature

Hon. Kimberly G. Altman, United States Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR
A CRIMINAL COMPLAINT AND ARREST WARRANT**

I, David M. Alley, being first duly sworn, state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with Homeland Security Investigations (HSI), of the United States Department of Homeland Security (DHS). I am assigned to the Special Agent in Charge (SAC), Office of Investigations (OI) in Detroit, Michigan with offices located at 477 Michigan Ave., Suite 1850, Detroit, Michigan. I have been employed with HSI since March 2007. I have successfully completed the Criminal Investigator Training Program and the Immigration and Customs Enforcement Special Agent Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia. I have received a Bachelor's Degree in Criminal Justice from Michigan State University, as well as a Master's Degree in Criminal Justice from Michigan State University. I have successfully completed the Basic Computer Evidence Recovery Training (BCERT) at FLETC and the Advanced Computer Evidence Recovery Training at the Cyber Crimes Center (C3) and the Cyber Crime Center Mobile and Cellular Device Data Extraction course and possess an A+ certification.

2. This affidavit is made in support of a criminal complaint and arrest warrant for Nopphadon **Ninsawat** (DOB XX/XX/1991) for violations of Title 18, United States Code, Sections 2251(a) and 2252A(a)(2), which criminalize, among

other things, the production and receipt of child pornography and other related materials, as well as Title 18, United States Code, Section 1470, which criminalizes the transfer of obscene material to minors.

3. This affidavit is based on my personal knowledge, experience and training as well as on information obtained by me through investigative observations and conversations with other HSI agents and agents from other law enforcement agencies. This affidavit does not set forth every fact resulting from this investigation; rather, it contains a summary of the investigation to date for the limited purpose of establishing probable cause to obtain an arrest warrant for Nopphadon **Ninsawat**.

PROBABLE CAUSE

4. On June 23, 2022, the Gibraltar, MI Police Department received a complaint from the mother of a minor victim (hereafter MV-1) regarding the sexual solicitation of a child. MV-1's date of birth is XX/XX/2006. MV-1's mother stated that MV-1 was communicating with an adult male via SnapChat. MV-1's mother provided the adult male's SnapChat username as NINSAWAT**. MV-1's mother stated that the conversation between MV-1 and the male was sexual in nature. MV-1's mother stated MV-1 sent nude photographs and videos of herself to the male. MV-1's mother stated on June 3, 2022, she attempted contact with the male via his telephone number. MV-1's mother stated the male

did not answer so she began leaving him a voicemail. MV-1's mother stated before she could finish the voicemail the male called back. MV-1's mother stated that she threatened the male and told him that MV-1 was only fifteen (15) years old. MV-1's mother stated that the male told her that he did not know MV-1 was fifteen (15) years old and he would not contact her anymore.

5. MV-1's mother stated that since she had contact with the male on June 3, 2022, MV-1 had been using an old cellular phone that MV-1 found in the residence to continue communicating with the male. MV-1's mother stated that MV-1 and the male are now using Instagram to communicate. MV-1's mother advised that the Instagram username for the male is NINSAWAT Fit4fun**. MV-1's mother stated that the Instagram conversation between MV-1 and the male is again, sexual in nature. MV-1's mother stated that MV-1 is again sending nude photographs and videos of herself to the male at his request. MV-1's mother provided the cellular phone to the Gibraltar Police Department. A Gibraltar Police officer viewed the Instagram conversation between MV-1 and the male and observed that the username for the male matched what was provided by MV-1's mother, and that the conversation was sexual in nature.

6. On June 28, 2022, MV-1's mother provided written consent to the Gibraltar Police Department to search MV-1's cellular phone. On June 29, 2022, Gibraltar Police Detective requested the login and password for MV-1's Instagram

account.

7. On July 14, 2022 at approximately 12:30 PM, Gibraltar Police Detective Bruce Bullard observed a forensic interview of MV-1, conducted at the Kids Talk Guidance Center in Southgate, MI. The interview was conducted by Forensic Interviewer Natalia Baker. During this interview, MV-1 made the following non-verbatim statements:

- MV-1 stated that she was there because of a 31-year-old pedophile she met on the internet. MV-1 provided his name as Nopphadon Ninsawat. MV-1 stated that their conversations started on SnapChat. MV-1 later stated that his SnapChat name had his last name "Ninsawat" and then (numbers redacted) at the end. MV-1 stated that Ninsawat wanted to buy her items from Victoria's Secret and give her money. MV-1 stated that they were talking everyday but that eventually her mother found out. MV-1 stated that her mother looked up Ninsawat's phone number in an application and determined that he was 31 years old. MV-1 stated that she had believed Ninsawat was 23. MV-1 stated that her mother contacted Ninsawat, and he stated that he did not know MV-1 was 15 and that he thought she was 18.
- Following this, MV-1 stated that she messaged Ninsawat on Instagram because he had blocked her on SnapChat. MV-1 stated that Ninsawat added her as a close friend on Instagram. MV-1 stated that Ninsawat sent her an article regarding the age of consent being 16 years old. MV-1 stated Ninsawat wanted to send a penis picture and she advised that it wasn't a good idea and then he asked her if she loved him.
- When asked about being asked for explicit photos, MV-1 stated that Ninsawat would ask for them and would send her a picture of his penis and ask if she would send pictures back. When

asked, MV-1 stated that Ninsawat would guilt trip her if she did not send pictures.

- MV-1 stated that she had met Ninsawat in person, stating that she told him to come over in his Camaro so she could see him from the window. MV-1 stated that he got to her apartment, got out of his car, and pretended to be on the phone. MV-1 stated that he was tall and buff. MV-1 advised that he asked her to come up and give her a kiss and a hug and she said no.
- MV-1 stated that she sent images of her breasts, butt, and vagina, and that she did it a lot because he asked a lot. MV-1 stated that Ninsawat sent her pics of his torso and penis as well as videos of him rubbing it and masturbating. When asked if MV-1 had sent videos she nodded and later stated the videos were of MV-1 touching herself "down there".

8. Pursuant to verbal and written consent from MV-1's mother, I reviewed Instagram messages exchanged between MV-1 and a user with the username Ninsawat**. I observed the following conversations between MV-1 and Ninsawat:

June 4, 2022:

MV-1: Yeah im kinda am upset

MV-1: Nope Why would you lie to me

MV-1: But yes. I am underage. I didn't tell you because I liked you too much to tell you im 16

MV-1: I mean if you were actually 23

MV-1: It wouldn't be that bad. 7 yrs apart isn't that bad

MV-1: Plus soon I will graduate hs and turn 18

MV-1: But 31??!

MV-1 C'mon

Ninsawat: I'm sorry I didn't tell you. But I didn't know how you were that young

MV-1: Bro you graduated in 2009.

Ninsawat: 2010

MV-1 Oh

MV-1: But still

MV-1: I sound very young

MV-1: I explained to u twice i was writing a essay

MV-1: Which means im in school still

MV-1: I keep telling you that my mother is very strict

MV-1: I mean what mother cares about

MV-1: An 18 yr old talking on the phone

Ninsawat: I wasn't even thinking. I thought maybe you were taking online college classes. You said you were getting a car soon

Ninsawat: I'm sorry

MV-1: *phone

MV-1: Yeah because im taking drivers ed

MV-1: But why did u lie about your age?

MV-1: Its best you dont call me nor my mother

MV-1: She basically doxxed you.

MV-1: And she's really pissed

Ninsawat: I understand your mom must be really mad about this. Because I wanted you to like me and I didn't think it was a big deal about my age. Because I thought you were 18

.....

MV-1: Did u not hear her voice message?

MV-1: She threatened to call the police. But they cant do much because we never hooked up

Ninsawat: No I hear a little bit and then I called her

MV-1: What part

Ninsawat: Haha like first 30 second of her saying her phone number and to call her back

MV-1: I'm so embarrassed

MV-1: The reason why she found out because for some reason she decided to go through my notebook/diary

MV-1: She read it.

MV-1: The she read our last conversation

MV-1: On sc

MV-1: and saw the bj part

MV-1: How we told each other "I love you"

Ninsawat: Honestly, there was a lot of explicit conversation

MV-1: And so on

Ninsawat: She said she saw my D pic but I don't even know how

Ninsawat: Or maybe she just saying she saw me sending it

MV-1: She didnt

MV-1: But she saw the message of me

MV-1: Saying I want to stroke it suck it

MV-1: So on

MV-1: After she saw the message from u

MV-1: After I sent my cooch and tit pics

.....

Ninsawat: You should probably delete this just to be safe, that voice mail got me all paranoid now lol

June 5, 2022:

(2:06 PM)

Ninsawat: Hey baby, I just got done at the gym. I know you said no more pics but I miss seeing it you dont have to send it but it's would be a nice surprise if you did

(3:18 PM)

Ninsawat: How is your day baby? I hope you enjoy the videos

(8:03 pm)

MV-1: Did you forget im 15 still?

MV-1: I cant send those

Ninsawat: Yeah lol

Ninsawat: I forgot im sorry

.....

Ninsawat: I was gonna post some pic but I didn't know when you want them

MV-1: Dick pics?

Ninsawat: Yeah

MV-1 U could rn

Ninsawat: Okay

MV-1: Ok

Ninsawat: *[Sends a disappearing message. The content of this message is no longer available to be viewed.]*

Ninsawat: Hey

Ninsawat: They removed it from my story lol

Ninsawat: So I'll have to send it here

MV-1: LMFAO

Ninsawat: Let me know if you got it and I'd you want more

MV-1 Are you hard...?

Ninsawat: Yeah lol why would I take a soft pic?

MV-1: Idk

MV-1 I dont know much about dicks

Ninsawat: Did you see it?

MV-1: Yeah

MV-1: I saw it

Ninsawat: You said you like that view

MV-1: I fo

MV-1: *do

MV-1: What made u hard?

Ninsawat: Your old pic you send me

MV-1: Which one?

Ninsawat: *[Sends a disappearing message. The content of this message is no longer available to be viewed.]*

Ninsawat: Of your coochie

Ninsawat: I hope you want it

MV-1: Idk

MV-1: It doesn't feel the same anymore

Ninsawat: What do you mean?

MV-1: I use to like getting them

MV-1: But now it feels weird

.....

Ninsawat: Damn, honestly tho if any happens like if you need me to come get you I'm 10-15 mins away

Ninsawat: Maybe you should memorize my number just in case you use someone phone to call me

MV-1: Whats ur number?

Ninsawat: *****

.....

MV-1: I want some head right now

Ninsawat: I would

Ninsawat: If you sneak out I'll come eat your pussy

MV-1: LMFAOOO I CANT

MV-1: BRO IM STILL 15

Ninsawat: Haha I keep forgetting

Ninsawat: Like age doesn't even matter to me

.....

Ninsawat: And you don't even wanna send me pictures anymore

MV-1: Because I don't feel comfortable and its basically

MV-1: Cp

MV-1: *skull emoji*

MV-1: No, I meant child porn

Ninsawat: Ohh

MV-1: Dumbass

Ninsawat: Okay I'm gonna delete your pictures

MV-1: Yeah please do

Ninsawat: *laughing emojis*

Ninsawat: There was 48 pictures

MV-1: YOOO

MV-1: wow

MV-1: Thats a lot

Ninsawat: Yeah I had no idea

Ninsawat: But wait,,, I hope I didn't delete something on accident how was there 48 pic

MV-1: I didn't want u to ss¹ them

MV-1: but I was scared to say sumthing

MV-1: Because I thought u would get upset

Ninsawat: Well I did that so I can look at them later and I didn't have to ask you so much

.....

June 7, 2022

Ninsawat: But honestly tho, I think what we were doing wasn't bad because they said they cant do anything because we didn't hook up

MV-1: Yeah that is true

MV-1: But we were planning too

MV-1: Like very soon b4 i turned 16

Ninsawat: I mean like us sending pics.....

¹ I know from my training and experience that "ss" refers to screenshot

(VARIOUS SEXUAL MESSAGES INCLUDING MESSAGES INFERING THAT NINSAWAT IS SENDING IMAGES OF HIS PENIS.)

Ninsawat: Let me see your pussy real quick baby

Ninsawat: *[Sends a disappearing message. The content of this message is no longer available to be viewed.]*

MV-1: Uhhh idk

Ninsawat: 😊

MV-1: Maybe if u play with it and moan a lik

MV-1: Lil

Ninsawat: Baby, you were taking so long. I took is out and put it away and took it out again and now its put away

MV-1: Oh ight

MV-1: I was busy filling out an application

Ninsawat: You shouldn't ask me to show you my dick and than to fill out an application

MV-1: Hm?

MV-1: Why not..?

Ninsawat: Because I don't have time to keep my dick out all day

MV-1: Um ok then?

MV-1: tf

MV-1: You were they one who sent it first

MV-1: I didn't even say I wanted to see it anyways

June 8 2022

(This conversation follows an argument between MV-1 and Ninsawat)

MV-1: *[Sends a disappearing message. The content of this message is no longer available to be viewed.]*

Ninsawat: Yes, that's what I want

MV-1: I know darling

MV-1: Im sorry maybe I did over react

Ninsawat: It's ok bb, and it look really nice

Ninsawat: Have you been playing with it

MV-1: Yeah I came a little

.....

Ninsawat: I'd love to bend you over

Ninsawat: And eat your pussy while you doing a split

MV-1: *laughing emoji*

MV-1: I wonder how that'll feel like

Ninsawat: I want you to feel my tongue on your pussy so bad

Ninsawat: It's the best feeling in the whole entire world, that why people love doing it bb

Ninsawat: I'd love to see what your pussy looks like doing a split

.....

June 9, 2022

MV-1: I wanna be fingered so bad

Ninsawat: If you finger yourself Can I please see baby? I wanna see your finger going in

MV-1: Oh Ok

MV-1: I'll let you

.....

Ninsawat: I can play with my dick to your pictures and you and play with your pussy to my pictures

MV-1: That's sounds really sexy

Ninsawat: It would be fun

MV-1: wyd

Ninsawat: Im about to get ready for work

Ninsawat: Are you going to send me your pussy?

Ninsawat: *laughing emoji*

MV-1: Maybe...

Ninsawat: You supposed to send me it while you are playing with it baby

....

Ninsawat: *[Sends a disappearing message. The content of this message is no longer available to be viewed.]*

Ninsawat: Send me something baby so I can be hard for you

Ninsawat: *[Sends a disappearing message. The content of this message is no longer available to be viewed.]*

9. Using this and other information gathered during this investigation, I applied for and obtained a search warrant for Ninsawat's residence, located in Southgate, MI. On November 9, 2022, I, along with other member of law enforcement, participated in the execution of this search warrant. During this warrant, Ninsawat was located and consented to an interview. Ninsawat made the following pertinent, post-*Miranda* statements:

- a. Ninsawat stated that he used Instagram username Fitforfun** and SnapChat username Ninsawat**. Ninsawat stated that his email address was ninsawat**@gmail.com. Ninsawat provided the password for his iPhone. A preliminary review of this phone revealed that Ninsawat was logged into the above-named accounts.
- b. Ninsawat was told that agents were there to talk to him about a person he was talking to on social media over the summer. When asked, Ninsawat stated that he believed he started talking to MV-1 (who he referred to as "that person") on SnapChat after she reacted to one of his pictures. Ninsawat stated that he could not recall MV-1's name or SnapChat username.
- c. Ninsawat stated that he recalled a conversation with MV-1's mother in which she "wasn't happy" and told him that she was underage. Ninsawat stated that following this he stopped talking to MV-1 for a few days before he started talking to her again on Instagram. When asked, Ninsawat agreed that he was upset with MV-1 for not telling him she was under 18 years old. Ninsawat stated that MV-1 told him she was 15 years old and that he wanted to just be friends with her until she was 16.

- d. When asked about sending images and videos to MV-1, Ninsawat stated that he may have sent “explicit” images. Ninsawat later stated that he was sure that he had sent MV-1 nude images. Ninsawat stated that MV-1 sent nude images back to him. Ninsawat stated that MV-1 sent him a video of her touching herself. Ninsawat stated that he did not recall if she was nude in the video but agreed that she was bottomless and touching herself. Ninsawat stated that he believed that MV-1 had asked for a video of him touching himself and that he sent her one. Ninsawat stated that he deleted this content when he and MV-1 stopped talking.

10. Following the conclusion of this interview, Ninsawat agreed to another interview related to this investigation. During that time, Ninsawat stated the following:

- a. Ninsawat stated that he knew MV-1 by a name that appears to be a variation of her true first name, and that he met her via SnapChat. Ninsawat provided the city in which MV-1 resides and stated that he drove by her house once so she could see what he looked like. Ninsawat estimated that he began speaking with MV-1 in May or June of 2022. Ninsawat stated that he found out from MV-1’s mother that she was 15.
- b. Ninsawat stated that MV-1 sent him a picture of her “coochie” one night and that it was “unexpected”. Ninsawat stated that MV-1 also sent pictures of her breasts. Ninsawat stated that MV-1 told him to delete these images and that he did. Ninsawat later stated that coochie meant vagina and that in at least one of the pictures, she was spreading her vagina apart.
- c. Ninsawat stated that MV-1 requested images of his penis. Ninsawat believed he sent less than 10 images of his penis to MV-1. Ninsawat estimated that MV-1 sent him a couple videos of herself masturbating. Ninsawat stated that he could not recall if he requested these videos.

11. Ninsawat later stated that he knew MV-1 was 15 when he sent her images of his penis.

CONCLUSION

12. I respectfully submit that there is probable cause to believe that Nopphadon **Ninsawat** committed violations of Title 18, United States Code, Sections 2251(a) and 2252A(a)(2), which criminalize, among other things, the production and receipt of child pornography and other related materials, as well as Title 18, United States Code, Section 1470, which criminalizes the transfer of obscene material to minors. I request that the Court authorize the issuance of a criminal complaint and arrest warrant for Nopphadon **Ninsawat**.

Respectfully submitted,



David M. Alley, Special Agent
Homeland Security Investigations

Sworn to before me and signed in my presence
and/or by reliable electronic means.



HON. KIMBERLY G. ALTMAN
UNITED STATES MAGISTRATE JUDGE

Date: November 10, 2022